

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TORY STEVEN KMIECIK,
AARON MICHAEL KMIECIK, and BRIANNA
ANGELA KMIECIK, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JENNIFER MARIE LARSON,

Respondent-Appellant,

and

RICHARD FRANCIS KMIECIK II,

Respondent.

UNPUBLISHED
September 26, 2006

No. 269289
Isabella Circuit Court
Family Division
LC No. 05-000036-NA

Before: Borrello, P.J., and Jansen and Cooper, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(g). We affirm.

The trial court did not clearly err in finding that the statutory ground for termination of parental rights was established by clear and convincing evidence, or that termination was not clearly contrary to the children's best interests. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 355-357; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). Contrary to respondent-appellant's arguments regarding the sufficiency of the court's findings, the trial court stated sufficient facts to support its conclusion that petitioner made reasonable efforts to prevent removal and return the children home.¹ MCL 712A.18f(1), (3), (4); MCR 3.973(F)(3).

¹ Specifically, the court stated:

(continued...)

The court also made sufficient factual findings on the issue of termination of parental rights. See MCL 712A.19b(1); MCR 2.517(A)(2); MCR 3.977(H)(1).

Affirmed.

/s/ Stephen L. Borrello

/s/ Kathleen Jansen

/s/ Jessica R. Cooper

(...continued)

It's clear to me that once the court intervened back in March of 2005, Ms. Larson has practically done nothing to help her re—help her get the kids back. She hasn't come to court. Back in December, [the case worker] purchased a train ticket [Ms. Larson was living in Chicago at the time] out of her own pocketbook and Ms. Larson couldn't see fit to come to court. She hasn't dealt with her substance abuse problem. She's a heroin addict. She's a junkie. She's used as late as January of 2006 . . .

The court added that petitioner had failed to comply with the requirements of the case service plan, such as providing a substance abuse assessment to the Department of Human Services, providing a psychological evaluation, and completing parenting classes. The court noted petitioner's employment situation was "spotty at best," and her living arrangements "somewhat unstable."

Most relevantly, the court stated: "What's really outrageous to the Court is the total lack of contact this woman has shown towards her biological kids."

While the court's frank assessment of the situation may appear harsh, it is neither unwarranted nor inaccurate.